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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,625	07/07/2000	Ivan George Cooper	COO94401	6482

7590

08/07/2003

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EXAMINER

NGUYEN, GEORGE BINH MINH

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 08/07/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/611,625

Applicant(s)

COOPER, IVAN GEORGE

Examiner

George Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 16-19 is/are rejected.
- 7) ☐ Claim(s) 4-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Receipt is acknowledged of Applicant's amendment filed on Paper No.16.

Claims 1-19 are presented for examination. Claim 20 was canceled.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al.'6,322,430 in view of Becker et al.'4,604,027.

With reference to Figs. 1-8, Kennedy discloses the claimed invention including: a) a first work station having a first tool for removing scratches on a disc (Figs. 2-3); b) a second workstation having a second tool for polishing said disc (Figs. 7-8); and c) a controller to set the desired time of reconditioning the disc depending upon the severity of the scratches and blemishes on the disc (Fig. 4, col. 6, lines 62-65). In col. 7, lines 46-55, Kennedy further discloses that the re-surfacing and polishing machines can be housed within a single cabinet. It will also be apparent to those skilled in the art that re-surfacing and polishing machine as described can be constructed having a plurality of resurfacing and polishing work stations within a single cabinet. However, Kennedy does not disclose a vacuum disc advancement mechanism to advance said disc from said first workstation to a second and successive workstation.

With reference to Figs. 1, 3-6, Becker et al. teaches that it is known to have utilized a vacuum disc advancement mechanism to transport wafers 17 to and from sequential workstations 21, 22, 24, and 26 (col. 8, lines 1-30).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the polishing apparatus of Kennedy with a vacuum disc advancement mechanism as taught by Becker to transport the disc especially such as wafer in sequential workstation as expressly stated in col. 8, lines 1-30.

#### ***Allowable Subject Matter***

3. Claims 4-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the specific limitations of "said movable member ... said longitudinal axis" in the combination as claimed are not inherent nor made obvious by the prior art of record.

#### ***Response to Arguments***

5. Applicant's arguments filed May 27, 2003 have been fully considered but they are not persuasive. The examiner wishes to rebut as follows.

6. In response to applicant's argument that neither Kenedy et al. nor Becker et al. teach or suggest the combination of a disc advancement mechanism for resurfacing digital discs at subsequent workstations, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the

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primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In the instant case, the broadness of the limitation of "a disc advancement mechanism" in claim 1, "by automatic movement between ... subsequent workstations" in claim 16, and "automatically working on said disc" in claim 19 would be rendered obvious by the combined teachings of the references to those of ordinary skill in the art.

7. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically work on the disc, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art.

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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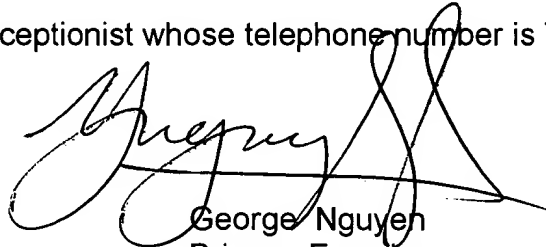
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Nguyen whose telephone number is 703-308-0163. The examiner can normally be reached on Monday-Friday/630AM-300PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

*George Nguyen*  
*Primary Examiner*



George Nguyen  
Primary Examiner  
Art Unit 3723

GN  
August 6, 2003